

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable James O. Browning

CASE NO. CIV 08-702 JB/DJS

DATE: August 29, 2008

TITLE: *American Assoc. of People With Disabilities, et al. v. Herrera*

COURTROOM CLERK: K'Aun Sanchez

COURT REPORTER: Danna Everett

COURT IN SESSION: 10:05 a.m.

COURT IN RECESS: 11:48 a.m.

TYPE OF PROCEEDING: Motion Hearing (see below)

COURT'S RULINGS/DISPOSITION:

1. Motion to Intervene (by Shannon Robinson) [25] - **DENIED**
2. Motion to Intervene (by Rep. Party) [27] - **DENIED**

ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY: Court

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

David Urias

Scott Fuqua

Anna Thea Bridge/Sharon Katz

Myrna Perez

PROCEEDINGS:

Court in Session: 10:05 a.m.

Court: Calls case. Counsel enter appearances. Pat Rogers, Jason Bowles, Ryan Flynn and Justine Fox-Young (proposed intervenor) present on behalf of proposed intervenors. Notes proposed intervenor, Shannon Robinson, is not present.

Court: Believes motions to intervene are timely. Provides inclination ruling - not inclined to allow permissive intervention and to deny motions to intervene.

10:28 a.m. Mr. Rogers: Argues in support of motion.

Mr. Urias: Argues in response in opposition to motions to intervene.

10:49 a.m. Mr. Fuqua: Defendant has no position on motions. Addresses Court re: First Amendment as to Fox-Young.

10:52 a.m. Mr. Rogers: Argues in reply in further support of motion. Notes inadvertently filed response to preliminary injunction motion - but that itself demonstrates would not hold case up.

10:57 a.m. Court: Questions Mr. Rogers as to what would inquire of the 4 Plaintiffs?

Mr. Rogers: Responds.

Court: Denies motions to intervene - without prejudice as to Republican Party and Fox-Young. Will work to get opinions out as soon as possible. Anything further?

Mr. Urias: As to First Amendment issues, if Court has questions will be glad to address same.

Ms. Katz: Argues regarding NVRA issue.

Mr. Fuqua: Argues in response to NVRA and First Amendment issues.

11:40 a.m. Mr. Urias: Argues in reply regarding First Amendment.

11:42 a.m. Ms. Katz: Argues in reply regarding NVRA.

11:45 a.m. Court: Appreciate presentations. Will work to get opinions/orders out as soon as possible.

Mr. Rogers: Reminds Court inadvertently filed response to preliminary injunction motion.

Court: Requests file notice of withdrawal of response, as well as answer.

Mr. Rogers: Wishes to leave answer on file.

Court: Okay with parties?

Mr. Urias: Fine.

Mr. Fuqua: Fine.

Court: Answer can remain in record and will be considered attachment to motion to intervene.

Court in recess: 11:48 a.m.